

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

VAUGHN SCOTT, NIGERIA SCOTT,
PRINCE SCOTT, ANDREE HARRIS,
BRENDA SCOTT, KRAIG UTLEY, COREY MARROW,
AS A MINOR CHILD, K.M., A MINOR CHILD,
AND JULIAN RENE,

Plaintiffs,

-against-

14-CV-4441(SHS)

CITY OF MOUNT VERNON, ET AL.,

Defendants.

- - - - - X

HELD AT: Office of Corporation Counsel
1 Roosevelt Square
Mount Vernon, New York 10550
December 1, 2015
10:48 a.m.

Examination before Trial of the
Plaintiff, VAUGHN SCOTT, pursuant to Court
Order, held at the above time and place
before a Notary Public of the State of New
York.

J & L REPORTING SERVICE
of Westchester, Inc.
50 Main Street, Suite 1000
White Plains, New York 10606
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Lisa Dobbo, Reporter

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A L S O P R E S E N T:

Victoria Badu

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A. Yes.

Q. Do you have any questions
regarding the deposition before we proceed?

A. No.

Q. You filed a civil rights
lawsuit?

A. Yes.

Q. Can you tell me why?

A. Because on that date the police
entered my house without permission and they
held me hostage for five hours; two of them
hours was outside.

Q. Do you recall what time of day
that was; evening, night?

A. Approximately 5:30, 6:00.

Q. So, police officers held you
hostage?

A. Yes.

Q. Could you explain what you mean
by that they held you hostage?

A. They pushed their way into my
home, they took me outside after I told them
do not enter my home. They said they had a
search warrant. They took me outside, made

1
2 me stand on the porch. They would not allow
3 me to go back into my home, they would not
4 allow me to get a jacket and they would not
5 allow me to leave my residence even to walk
6 off my porch. They would not allow me to.

7 Q. Were you injured as a result of
8 that police action?

9 A. Yes.

10 Q. How were you injured?

11 A. Mentally and I have a physical
12 illness where I'm not supposed to be in the
13 cold. I was made to stand outside, I was
14 not allowed to get a jacket, was not allowed
15 to go back into my home for two hours and I
16 had to stand outside in a T-shirt and a pair
17 of pajama pants so it made me pain. I had
18 pain. I was in excruciating pain throughout
19 my body that I have to take morphine for
20 this pain.

21 Q. I'm sorry, you're taking pain
22 for what?

23 A. Morphine because of the pain in
24 my body that I have. I have arthritis and
25 by them making me stand outside it made the

1
2 pain worse.

3 Q. When did you first start taking
4 the morphine?

5 A. After I had back surgery.

6 Q. When was that?

7 A. That was in 2010.

8 Q. You started taking morphine
9 before March 20th of 2013; correct?

10 A. Yes.

11 Q. Did the police tell you why
12 they were at your apartment?

13 A. No.

14 Q. During the course of three
15 hours of the five hours that you said they
16 were present, they never once told you why
17 they were there?

18 A. No.

19 Q. Did you ask them why they were
20 there?

21 A. Yes.

22 Q. Did they respond?

23 A. No.

24 Q. Well, what did they say when
25 you asked them why they were there?

1
2 A. All they said was -- I believe
3 they said they were investigating something.
4 They never said what. They would not give
5 me no answers. They just asked me to be
6 quiet and sit down.

7 Q. They did inform you that they
8 were there as a result of a police
9 investigation; is that fair to say?

10 A. They said that but they did not
11 tell me specifically why they were there,
12 yes.

13 Q. It had occurred approximately
14 what time?

15 MR. THOMPSON: Objection.

16 Asked and answered.

17 MR. WISHAM: I can't recall
18 what she said.

19 MR. THOMPSON: That's fine.

20 MR. WISHAM: You can answer.

21 A. Approximately about 5:30, 6:00.

22 Q. Are you currently employed?

23 A. No.

24 Q. When is the last date of your
25 employment?

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A. 2010, I believe.

Q. Can you tell me the name of the employer?

A. Last employment was at the post office in Harrison. I don't know the name of the employee but it's the United States Post Office.

Q. How long were you employed at the post office?

A. Approximately four, five months.

Q. Why did you leave?

A. Because of a back injury.

Q. Where did you sustain that back injury?

A. In -- I don't know how I sustained it.

Q. Before you were employed at the post office for the period of four to five months, were you employed somewhere prior to that?

A. Yes, I also worked at the school, Mount Vernon School District.

Q. How long were you employed at

the Mount Vernon School District?

A. For two years.

Q. What was your position there,
by the way?

A. I was a lunch monitor.

Q. A lunch monitor?

A. Yes.

Q. Let's go back to 3-20-2013 at
about 5:30 or 6:00.

Is that a house, is that an
apartment?

A. It's an apartment in a private
house.

Q. Is it a two-family,
three-family?

A. It was a three-family home.

Q. Where did you live at the time?

A. On the second floor.

Q. Second floor?

A. Yes.

Q. Do you own or do you rent that
apartment?

A. Rent.

Q. How long had you been renting

entered.

Q. Was she present at any time during the course of this event of 3-20-13?

A. Yes.

Q. At what point was she present?

A. When the officer had me call her and she was on her way home with my granddaughter and had me call her to ask her may they enter her vehicle which was parked in the driveway.

Q. Can you describe that vehicle that was parked in the driveway?

A. Yes. It was a minivan, a white minivan, seven passenger.

Q. Was the windshield shattered, the back windshield, if you can recall?

A. I believe so. I'm not sure.

Q. Arabia Scott, was she present?

A. Yes.

Q. How old is Arabia Scott, by the way?

A. Now Arabia is 17.

Q. Is she related to you?

A. Yes.

now?

A. 19.

Q. If you don't mind me asking, Ms. Scott, what was everybody doing in this apartment on this particular date?

A. They were playing games, video games, I was getting ready to cook dinner, me and my mother and we was watching TV just getting ready preparing dinner.

Q. You indicated that the police officers told you they were there for an investigation; correct?

A. Yes, after approximately about an hour.

Q. You were standing outdoors?

A. I was in my house until they took me outside.

Q. How did they take you outside?

A. They dragged me and took me out of the house and took me down the steps after they busted into the door.

Q. Did you recognize any of those police officers that were present at that time?

1
2 behind in front of everybody.

3 Q. So, police officers started to
4 search Julian Rene?

5 A. Yes.

6 Q. How did they search him?

7 A. By taking down their clothes --
8 his clothes.

9 Q. Well, did they ask him to take
10 his clothes down?

11 A. No.

12 Q. But they took his clothes down?

13 A. They told him to take his
14 clothes down. They didn't ask him and they
15 pulled his pants down and that's how we
16 knew.

17 Q. Did the police officer ask
18 anybody else at that residence to take their
19 clothes down?

20 A. Yes, they searched everybody.

21 Q. Did they search you?

22 A. No.

23 Q. Did they search Prince Scott?

24 A. They searched everybody else
25 but me and my mother.

1
2 Q. You indicated that the police
3 officer pulled down Julian Rene's clothes --
4 pants?

5 A. Yeah, when they searched him
6 they searched him and pulled down his pants
7 and that's when they noticed that he had, I
8 guess a mark, a hole in his -- I don't know,
9 I can't recall, he had a slit in his
10 underwear and that's when they pulled them
11 down.

12 Q. Did Julian Rene tell you how
13 that mark got on his body?

14 A. No.

15 Q. That mark was where on his
16 body?

17 A. On his cheek, on his butt.

18 Q. On his butt?

19 A. Yes.

20 Q. Did he tell you he had been
21 shot?

22 A. No.

23 Q. During the three or five hour
24 encounter that the police officers were
25 present in your home at 328 S. 2nd Avenue,

1
2 you that he had been shot at another
3 location before 5:30 or 6:00 on March 20th,
4 2013?

5 A. No.

6 Q. The van was owned by Nigeria
7 Scott; correct?

8 A. Correct.

9 Q. Had she allowed Corey Marrow or
10 Julian Rene to drive the vehicle on March
11 20th, 2013, to your knowledge?

12 A. I don't know.

13 Q. How long have you known Corey
14 Marrow?

15 A. His whole life. I'm his
16 mother.

17 Q. He's not related to you, is he?

18 A. That's my son.

19 Q. Corey?

20 A. That's my son, my child.

21 Q. Do you recall if Corey Marrow
22 has ever been arrested?

23 A. Yes.

24 Q. How many occasions, to your
25 knowledge?

2013?

A. No.

Q. You recall that the police held you hostage for about three to five hours; correct?

A. Correct.

Q. You were outside at one particular point and then you re-entered your apartment 328 S. 2nd Avenue?

A. Yes.

Q. At first you indicated that -- I believe you indicated the police would not allow you to enter 328 S. 2nd Avenue; is that true?

A. Yes.

Q. At what point did they allow you to re-enter your apartment at 328 S. 2nd Avenue?

A. At approximately 8:00 p.m., two hours after they came in.

Q. So --

A. Once they came in and I told them they was not allowed to come in, asked them to leave, they took me outside and they

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2 held me on the porch for two and a half --
3 for two hours. Then they took me back
4 upstairs, they allowed me to go back
5 upstairs and they held me in my living room
6 for the remainder of the three hours.

7 Q. When you went back upstairs and
8 you were in the living room, the other eight
9 individuals that we mentioned, they were
10 also present?

11 A. Yes.

12 Q. Can you recall what Corey
13 Marrow was doing during this time?

14 A. Yes.

15 Q. What was he doing?

16 A. Sitting on the couch with his
17 video -- his phone recording.

18 Q. So, he recorded this incident?

19 A. Yes.

20 Q. Do you recall what -- was Corey
21 Marrow speaking to the police officers while
22 you were present inside your apartment at
23 328?

24 A. I believe -- I can't recall. I
25 don't remember when was speaking to him or

1
2 it was me, my mother and I'm not sure who
3 else answered the door. It might have been
4 Corey but I'm not sure.

5 Q. Do you recall how many police
6 officers were present at the time that you
7 responded to their knock at the door?

8 A. I seen five of them.

9 Q. Do you recall Brenda Scott
10 saying anything to the police officers as a
11 result of her responding to their knock on
12 your door?

13 A. No.

14 Q. Did Brenda Scott say anything
15 to the police officers, if you can recall?

16 MR. THOMPSON: Objection.

17 A. I don't know. I don't recall.

18 Q. Do you recall whether Nigeria
19 Scott consented to the police officers to
20 search her white minivan on March 20th,
21 2013?

22 A. Yes.

23 Q. Did any of the occupants
24 sustain any physical injuries as a result of
25 the police encounter on March 20th, 2013?

1
2 A. Taking my child from the Bronx
3 because I didn't know who the people were
4 that had kidnapped him at the time.

5 MR. WISHAM: I just have a
6 couple more questions and we can end
7 this. Thank you for bearing with me.

8 Q. Are there any type of
9 activities that you were able to do before
10 March 20th, 2013 that you're not able to do
11 today as a result of the police encounter on
12 March 20th, 2013?

13 A. Yes.

14 Q. Could you describe those
15 activities that you're not able to perform?

16 A. I'm not able to perform -- I'm
17 not able to read. I cannot see; I can't
18 cook, I need assistance in doing everything
19 including bathing myself; I can't walk out
20 the door myself. If I want to decide to go
21 get something, I cannot do it no longer
22 without assistance.

23 Q. Well, you indicated during this
24 testimony that Mount Vernon police officers
25 did not physically injure you; correct?

1
2 A. No, they did not physically
3 other than making me -- they did not
4 physically injure me but they mentally
5 injured me.

6 Q. But how are you saying that the
7 Mount Vernon police officers are responsible
8 for your impaired vision as a result of the
9 March 20th, 2013 encounter?

10 A. Because before March 20th, 2013
11 I was able to see. I went to the doctors as
12 I was told because I had arthritis and
13 different things. I had to get all types of
14 tests done on me including CAT scans and
15 everything because I had back surgery and I
16 had fusions put in my neck before this and
17 due to -- after this incident, I sustained
18 14 aneurisms, seven brain surgeries,
19 constantly see a psychiatrist, cannot sleep,
20 have seizures, a stroke and can't help
21 myself more less help my children right now.
22 I can't even watch my grandchild for my
23 daughter to go to work, so yes, they have
24 kept me from being able to live a normal,
25 independent life.

1
2 Q. When did you first have
3 seizures?

4 A. I had seizures when -- the
5 first seizure was when I went into the
6 operating room and they decided they was
7 going to clip the aneurism in the first
8 surgery and I was on life support.

9 Q. When was that?

10 A. I had a seizure, stroke and --
11 that was the year of 2013, November 2013. I
12 had four surgeries in between November 2013
13 and December 2nd, 2013.

14 Q. You're stating that the police
15 officers --

16 A. Before this I had no aneurisms.

17 Q. No aneurisms before March 20th,
18 2013?

19 A. Exactly.

20 Q. You're saying the police
21 officers caused your aneurisms?

22 A. Yes.

23 Q. How did you reach that
24 conclusion that the Mount Vernon police
25 officers as a result of not physically

1
2 harming you caused seizures, caused the
3 stroke, caused your brain surgery?

4 A. The stress and constant
5 harassment and the nightmares of being in
6 the pain that my body went into that I could
7 not get my blood pressure down from being in
8 the cold I had to go through epidural shots
9 and I could not get the pain to go down so
10 it made my blood pressure go down from
11 sitting in that cold and my doctor always
12 told me because of the back surgery I should
13 not be in the cold. I'm supposed to stay
14 warm. At a certain temperature of my body
15 my bones hurt and after that it made my
16 blood pressure elevated and the constantly
17 being of going outside every time you go
18 outside and seeing Antonini having a way
19 about himself as arrogant and threatening me
20 numerous times of telling me he's going to
21 lock me up. "You're going to lock me up?
22 There's going to be a cause for you locking
23 me up." "I'm going to make up a charge."
24 Every time I got in the car and rode with my
25 son somewhere, in the car with Corey, we was

1 doctor for arthritis?

2 A. Since 2010, 2011.

3 Q. Any other physical ailments
4 before March 20th, 2013?

5 A. Not -- no, not where I couldn't
6 -- other than cancer.

7 Q. I believe you testified today
8 that police officers caused your vision
9 impairment; is that correct? I believe that
10 you testified today that the Mount Vernon
11 police officers as a result of their
12 encounter with you on March 20th, 2013
13 caused your vision impairment; is that
14 correct?
15

16 A. Yes.

17 Q. You saw an eye doctor as a
18 result of --

19 A. Yes.

20 Q. When did you first see this eye
21 doctor?

22 A. The first time I seen him was
23 when I had 20/20 vision but the last time I
24 seen him was after 2014 I had to see him
25 when I came home from rehab and hospital and

1
2 Q. Now, nowhere in Paragraph 48
3 where it mentions Vaughn Scott, you as a
4 plaintiff, nowhere in that paragraph does it
5 mention anything regarding the officers'
6 conduct on March 20th, 2013 caused you to
7 have brain surgery; is that true?

8 MR. THOMPSON: Objection.

9 MR. WISHAM: You can answer.

10 A. No, it's not true.

11 Q. In this Complaint, Paragraph 48
12 it refers to you having brain surgery as a
13 result of the police officers' conduct?

14 MR. THOMPSON: Objection. This
15 is argumentative.

16 MR. WISHAM: You can answer.

17 MR. THOMPSON: I'm going to
18 direct her not to answer and I'll say
19 why on the record because I know
20 counsel is aware of the broad
21 mechanical information included in
22 the legal term personal injuries so I
23 believe that counsel knows that this
24 is an improper line of questioning
25 for a lay person.

1 a stroke was, was that in November 2013?

2 A. Yes.

3 Q. But there's no mention of you
4 having a stroke in 2013 that was caused by
5 the Mount Vernon police officers March 20th,
6 2013 actions; correct?

7 MR. THOMPSON: Objection. You
8 mean there's no mention in the
9 Complaint?

10 MR. WISHAM: Yes.

11 MR. THOMPSON: I'll just go on
12 the record that I believe given the
13 fact that we all know the Notice
14 doesn't require numeration of
15 damages. Given the fact Ms. Scott
16 has a visual impairment for her to
17 read the Complaint, it will make it
18 difficult for her to understand the
19 significance in the Complaint as she
20 reads them. The Complaint speaks for
21 itself. I'm going to direct her not
22 to answer questions concerning what
23 the Complaint says, what it doesn't
24 say and, you know, I will be happy if
25

1
2 the judge believes it is important
3 for these questions to be answered
4 I'll be happy to come back with Ms.
5 Scott and answer the questions but I
6 believe they're improper questions.

7 MR. WISHAM: So noted,
8 counselor. Just to be clear that her
9 testimony today was that the Mount
10 Vernon police officers as a result of
11 their entry into Ms. Scott's home on
12 March 20th, 2013 caused the
13 plaintiff, Vaughn Scott, to have
14 brain surgery, seizures, stroke,
15 aneurisms which are injuries related
16 to the police officers' actions and
17 you're directing your client to fail
18 to discuss that; correct?

19 MR. THOMPSON: No, my direction
20 not to answer is very limited. I'm
21 directing her not to answer questions
22 concerning what is or is not written
23 in the Complaint. As far as -- I'm
24 not directing her not to answer
25 questions about causation or the

relationship between this incident, the subject of this lawsuit and how that lead to her injuries. The extent of her injuries and all that stuff you can ask about.

MR. WISHAM: Okay.

Q. Ms. Scott, did a medical doctor who provided you care indicate to you in writing that because of police officers' conduct by entering your home and failing to allow you to move about caused you to sustain seizures, stroke, aneurisms and high blood pressure, did any medical doctor tell you that?

A. No medical doctor, no.

Q. Well, Ms. Scott, if no medical doctor told you that your brain surgery, the seizures that you had, stroke that you sustained and aneurisms that you sustained were due to the police officers' March 20th, 2013 conduct, how are you testifying today that the police officers caused you to have brain surgery, seizures, stroke and aneurisms sometime after the March 20th,